



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,773	04/20/2005	Andrew Gray	66859-003-7	5247
25269 7590 08/24/2007 DYKEMA GOSSETT PLLC FRANKLIN SQUARE, THIRD FLOOR WEST 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER KING, BRADLEY T	
			ART UNIT 3683	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,773

Applicant(s)

GRAY, ANDREW

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-38 is/are pending in the application.
- 4a) Of the above claim(s) 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Please remove the "means" language.

Election/Restrictions

Applicant's election of group I in the reply filed on 6/05/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 36-38 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/05/2007.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 13-33 and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites "in a well exposed position towards the upper part of the wheel assembly in its normal "in use" position". The scope of this limitation is not clear.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 13 recites the broad recitation "radio waves or light waves", and the claim also recites "infra red light, visible light, or UV light" which is the narrower statement of the range/limitation.

Claim 15 recites "the main body". There is insufficient antecedent basis for this limitation in the claims.

Claim 16 recites "a braking member", "blocking means", and "trigger means". It is not clear if these elements correspond to the previously defined braking member, blocking means and trigger means, or if they are additional features.

Claim 24 recites "may be provided". It is not clear if the recitation is required by the claim.

Claim 27 depends from itself, thereby rendering its scope indefinite. The claim has not been further considered on merits.

Claim 28 recites "the EMR source". There is insufficient antecedent basis for this limitation in the claims.

Claim 29 recites "preferably". It is not clear what the limitation is intended to convey.

Claim 35 recites "the generator". There is insufficient antecedent basis for this limitation in the claims.

This list is exemplary. Applicant is required to find and correct all instances.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-18, 21-26, 28-29, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris et al (US# 5432412).

Harris et al disclose all the limitations of the instant claims including; a braking member (72 and/or 90-92) arranged to move relative to the main body of the wheel between an inoperative and an operative position, blocking means 74 adapted to prevent the braking member from moving to an operative position and trigger means 74 adapted to activate the braking member to move to an operative position wherein the trigger means is operable by a coded message passed by a separate transmitter as electromagnetic radiation and the assembly is provided with an EMR sensor 134 and the blocking means is arranged to reset the braking member to an inoperative position without manual interference. See figures 4-5 and 7a.

Regarding claims 3-6, see brake guide slots, as broadly recited (40 and 42).

Regarding claim 7, see wheel 34 and wheel body (portion having 40 and 42).

Regarding claim 8, see fig 2.

Regarding claim 9, see brake foot 72, as broadly recited.

Regarding claims 15-18, see toothed portion formed by the portions of the hub between 40 and 42, which forms two teeth as broadly recited.

Regarding claims 21-23 see springs 96 and 98 adjacent the axle.

Regarding claim 24, see the 112 2nd rejection above.

Regarding claims 31-32, see battery 146.

Regarding claim 33, see figure 6.

Claim Rejections - 35 USC § 103

Art Unit: 3683

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al (US# 5432412).

Regarding claims 19-20, Harris et al disclose all the limitations of the instant claims with exception to the explicit disclosure of a radially operating latch, instead showing an axial arrangement. The examiner takes official notice that radially and axially operating latches are well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a radially oriented latch system, as known in the art, for the device of Harris et al as an obvious and alternate construction yielding predictable results.

Regarding claim 30, Harris et al discloses all the limitations of the instant claim with exception to a bellows linked to the motor. The examiner takes official notice that bellows are well known in the art to prevent debris from enter moving connections. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Harris et al with a bellows, as known in the art, to prevent debris from contaminating the driving connections, thereby minimizing wear on the device.

Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al (US# 5432412) in view of GB 2379804.

Harris et al disclose all the limitations of the instant claims with exception to the explicit disclosure of including a wheel generator. GB 2 379 804 discloses a similar device and further teaches wheel generating structures to supply power to onboard devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a wheel generator structure as taught by GB 2 379 804 in the device of Harris et al as an economical means of generating power for the devices.

Conclusion

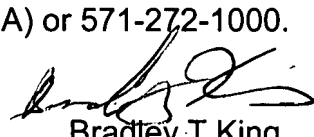
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taba and Lace et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 8/12/07
Bradley T King
Primary Examiner
Art Unit 3683

BTK